

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ERICA LYNN BLAKEMAN,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

Case No. 20-CV-1926-JPS

ORDER

On October 25, 2021, the Court entered an order approving a stipulation for an award of attorney's fees to Plaintiff pursuant to the Equal Access to Justice Act (EAJA) in the amount of \$3,869.12. ECF No. 22. Plaintiff was also awarded \$4,436.37 pursuant to the EAJA in *Blakeman v. Saul*, No. 18-CV-1342, before Judge Lynn Adelman. ECF No. 29 at 2. This amounts to a total of \$8,305.49 received by Plaintiff pursuant to the EAJA.

On August 19, 2022, Plaintiff Erica Lynn Blakeman ("Plaintiff") filed a motion for attorney fees pursuant to 42 U.S.C. § 406(b). ECF No. 28. Therein, Plaintiff requested attorney's fees in the amount of \$19,177.76 to be paid to "Attorney Vincent R. Angermeier, by the Social Security Administration from the Plaintiff's Social Security account." *Id.* The motion further states that "[t]o comply with the Savings Clause, Attorney Angermeier has reduced the amount of payment he seeks from Mrs. Blakeman's past due benefits by deducting the amount of the EAJA fee previously paid." *Id.* On August 29, 2022, Defendant Kilolo Kijakazi ("Defendant") responded to the motion, ECF No. 30, writing that "Defendant Kilolo Kijakazi, Acting Commissioner of Social Security, does

not oppose Plaintiff Erica Lynn Blakeman's request for attorney fees pursuant to 42 U.S.C. § 406(b)."

Pursuant to the Seventh Circuit's teaching in *McGuire v. Sullivan*, 873 F.2d 974 (7th Cir. 1989), and in light of the lack of any opposition on this issue, the Court finds that the fees incurred by counsel are both reasonable and proper under 42 U.S.C. § 406(b)(1).

Accordingly,

IT IS ORDERED that Plaintiff's motion for attorney's fees pursuant to 42 U.S.C. § 406(b)(1), ECF No. 28, be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Commissioner shall pay \$19,177.76 from the withheld funds to Plaintiff's counsel, Vincent R. Angermeier.

Dated at Milwaukee, Wisconsin, this 20th day of October, 2022.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge